

REMARKS

The application has been carefully reviewed in light of the Office Action dated July 29, 2010. Claims 1, 5 to 10, 16, and 19 to 24 are in the application, of which Claim 1 is independent. Claims 21 to 24 remain withdrawn from consideration. Reconsideration and further examination are respectfully requested.

Claims 1, 5 to 10, 16, 19, and 20 were rejected under 35 U.S.C. § 112, second paragraph. These rejections are respectfully traversed, and are submitted to have been obviated by the amendments made herein.

Claims 1, 5 to 10, 16, 19, and 20 were rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2001/0036632 (Yu) in view of WO 02/081743 (Hamill) and further in view of U.S. Patent No. 6,416,951 (Schmidt).

In this regard, it appears that the Office Action, at page 4, inadvertently refers to Schmidt as “Wang (2000)”.

The § 103 rejections are respectfully traversed.

Claim 1 recites, *inter alia*, preparing a free nucleic acid having a sequence having a partial and sequential base sequence within the region between a 3'-end of the A-strand and the base sequence to be detected which is located nearest the 3'-end as a primer for elongating the B-strand and a free nucleic acid having a sequence complementary to a partial and sequential base sequence within the region between a 5'-end of the A-strand and the base sequence to be detected which is located nearest the 5'-end as a primer for elongating the A-strand.

By virtue of the foregoing feature, the primers for elongating the strands can freely exist in the reaction. As such, it is possible to perform PCR reactions with high efficiency.

None of Yu, Hamill, and Schmidt, even in the proposed combinations, assuming, *arguendo*, that such could be combined, is seen to disclose or suggest at least the foregoing feature, or the attendant benefits provided thereby.

Yu is seen to disclose solid PCR. However, as shown in Figure 1 of Yu, all of the primers are immobilized on a substrate.

Hamill and Schmidt have been reviewed, and are not seen to remedy the foregoing deficiencies of Yu.

The dependent claims are also submitted to be patentable because they set forth additional aspects and are dependent from the independent claim discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

With respect to non-elected Claims 21 to 24, rejoinder of these claims is respectfully requested upon the allowance of Claims 1 and 19, pursuant to MPEP § 821.04.

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

No fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

/Damond E. Vadnais/
Damond E. Vadnais
Attorney for Applicant
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200